

AMENDED IN ASSEMBLY MARCH 26, 2012

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

## ASSEMBLY BILL

No. 1730

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### Introduced by Assembly Member Olsen

February 16, 2012

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An act to add Sections 9131.1, 9518, 82037.5, and 84203.1 to the Government Code, relating to the Legislature.

#### LEGISLATIVE COUNSEL'S DIGEST

AB 1730, as amended, Olsen. Legislative Transparency Act.

Existing law requires the Assembly Committee on Rules, the Senate Committee on Rules, and the Joint Rules Committee to annually prepare a report to the public of all expenditures made from the operating fund subject to their direction and control, including a list of expenditures for each Member and committee of the Legislature, as prescribed.

This bill would require the Assembly Committee on Rules ~~and~~, the Senate Committee on Rules, *and the Joint Rules Committee, as appropriate*, to provide to each Member of the Assembly and Senate, ~~respectively~~, a monthly report of that Member's office ~~budget and committee budgets~~, as specified. The bill would require each Member of the Legislature to publish the monthly budget report on the Member's Internet Web site *or legislative committee Internet Web site, as specified*.

Existing provisions of the California Constitution provide for the manner in which the Legislature may pass a bill, and authorize the Legislature to adopt rules for its proceedings.

This bill would prohibit either house of the Legislature from taking a vote on any bill until the bill, in its present form, has been made available to the public on an Internet Web site for at least 72 hours, unless the house dispenses with this requirement by a  $\frac{2}{3}$  vote.

The Political Reform Act of 1974 imposes various reporting and disclosure requirements on contributions made to or by candidates and candidate-controlled committees.

This bill would require a Member of the Legislature or a controlled committee of a Member of the Legislature that receives a legislative deadline contribution to report that contribution within 24 hours, as prescribed. The bill would define “legislative deadline contribution” to mean a contribution of \$100 or more that is made to a Member of the Legislature or a controlled committee of a Member of the Legislature within the 7 days prior to specified legislative deadlines for a regular session of the Legislature.

Existing law makes a knowing or willful violation of the act a misdemeanor and subjects offenders to criminal penalties.

By creating additional crimes, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

~~The Political Reform Act of 1974, an initiative measure, provides that the Legislature may amend the act to further the act’s purposes upon a  $\frac{2}{3}$  vote of each house and compliance with specified procedural requirements.~~

~~This bill would declare that it furthers the purposes of the act.~~

~~The Political Reform Act of 1974, an initiative measure, provides that the act may be amended by a statute that becomes effective upon approval of the voters.~~

~~This bill would require the Secretary of State to submit the provisions of the bill that would amend the Political Reform Act of 1974 to the voters for approval at a statewide election, as specified.~~

Vote:  $\frac{2}{3}$ -majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. This act shall be known and may be cited as the
- 2 Legislative Transparency Act.
- 3 SEC. 2. Section 9131.1 is added to the Government Code, to
- 4 read:

9131.1. (a) The Assembly Committee on Rules ~~and~~, the Senate Committee on Rules, *and the Joint Rules Committee, as appropriate*, shall provide to each Member of the Assembly and Senate, ~~respectively~~, a monthly report of that Member's office budget. The monthly budget report shall include all allocations and expenditures, including caucus allocations, travel expenses, office rent, and staff salaries. *The monthly budget report for a Member who is a chairperson of a legislative committee shall also include any allocations and expenditures relating to that committee, identified in a manner that permits the Member to report those allocations and expenditures as required in subdivision (c).*

(b) Each Member of the Legislature shall publish the monthly budget report provided to him or her pursuant to subdivision (a) on the Member's Internet Web site.

(c) *Each Member of the Legislature who is a chairperson of a legislative committee shall publish a monthly report, using the information included in the report provided to him or her pursuant to subdivision (a), that identifies allocations and expenditures for that committee on the Internet Web site for that committee.*

SEC. 3. Section 9518 is added to the Government Code, to read:

9518. No vote shall be taken in either house of the Legislature on a bill until that bill, in its present form, has been made available to the public on an Internet Web site for at least 72 hours, unless the house dispenses with this requirement by a roll call vote entered in the journal, two-thirds of the membership concurring.

SEC. 4. Section 82037.5 is added to the Government Code, to read:

82037.5. "Legislative deadline contribution" means a contribution of one hundred dollars (\$100) or more that is made to a Member of the Legislature or a controlled committee of a Member of the Legislature within the seven days prior to any of the following legislative deadlines for a regular session of the Legislature:

(a) The June 15 deadline to pass a Budget Bill pursuant to Section 12 of Article IV of the California Constitution.

(b) Any deadline imposed by the California Constitution, a statute, or the Joint Rules of the Senate and Assembly for the passage of a bill by the house in which the bill was introduced.

1 (c) Any date specified by the California Constitution, a statute,  
2 or the Joint Rules of the Senate and Assembly by when the  
3 Legislature is required to adjourn for a joint recess in an  
4 odd-numbered year to reconvene in an even-numbered year or the  
5 date for the Legislature to adjourn sine die in an even-numbered  
6 year.

7 SEC. 5. Section 84203.1 is added to the Government Code, to  
8 read:

9 84203.1. (a) Each Member of the Legislature or controlled  
10 committee of a Member of the Legislature that receives a legislative  
11 deadline contribution shall report the legislative deadline  
12 contribution to each office with which the Member or committee  
13 is required to file its next campaign statement pursuant to Section  
14 84215. The recipient of the legislative deadline contribution shall  
15 report his or her full name and street address, the date and amount  
16 of the legislative deadline contribution, and whether the  
17 contribution was made in the form of a loan. The recipient shall  
18 also report the full name of the contributor, his or her street address,  
19 his or her occupation, and the name of his or her employer or, if  
20 self-employed, the name of the business.

21 (b) A legislative deadline contribution shall be reported by  
22 facsimile transmission, guaranteed overnight delivery, ~~or~~ personal  
23 delivery, *or, if permitted, by electronic transmission*, within 24  
24 hours of the time it is received. The report to the Secretary of State  
25 shall be by online or electronic transmission only. A legislative  
26 deadline contribution shall be reported on subsequent campaign  
27 statements without regard to reports filed pursuant to this section.

28 (c) A legislative deadline contribution need not be reported nor  
29 shall it be deemed accepted if it is not cashed, negotiated, or  
30 deposited, and is returned to the contributor within 24 hours of its  
31 receipt.

32 (d) A report filed pursuant to this section shall be in addition to  
33 any other campaign statement required to be filed by this chapter.

34 ~~SEC. 6. No reimbursement is required by this act pursuant to~~  
35 ~~Section 6 of Article XIII B of the California Constitution because~~  
36 ~~the only costs that may be incurred by a local agency or school~~  
37 ~~district will be incurred because this act creates a new crime or~~  
38 ~~infraction, eliminates a crime or infraction, or changes the penalty~~  
39 ~~for a crime or infraction, within the meaning of Section 17556 of~~  
40 ~~the Government Code, or changes the definition of a crime within~~

1 ~~the meaning of Section 6 of Article XIII B of the California~~  
2 ~~Constitution.~~

3 ~~SEC. 7. The Legislature finds and declares that this bill furthers~~  
4 ~~the purposes of the Political Reform Act of 1974 within the~~  
5 ~~meaning of subdivision (a) of Section 81012 of the Government~~  
6 ~~Code.~~

7 *SEC. 6. No reimbursement is required by this act pursuant to*  
8 *Section 6 of Article XIII B of the California Constitution because*  
9 *the duties imposed on a local agency or school district by this act*  
10 *were expressly included in a ballot measure approved by the voters*  
11 *in a statewide election, within the meaning of Section 17556 of*  
12 *the Government Code.*

13 *SEC. 7. The Secretary of State shall, pursuant to subdivision*  
14 *(b) of Section 81012 of the Government Code, submit Sections 4*  
15 *and 5 of this act to the voters for approval at a statewide election*  
16 *in accordance with Section 9040 of the Elections Code.*